

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Gregory J. HINKLE *et al*

Appl. No.: 09/938,294

Filed: August 24, 2001



Confirmation No.: 1056

Art Unit: 1638

Examiner: Phuong T. BUI

Atty. Docket: 16517.253

For: Novel Plant Transcribed Regions and Uses Thereof

**Notice of Appeal from the Examiner to the  
Board of Patent Appeals and Interferences**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed December 31, 2003, that resulted in Applicants having claims that have been twice or finally rejected.

Authorization to charge the official fee for this filing is given in the accompanying transmittal letter.

04/01/2004 EAREGAY1 00000034 502387 09938294  
01 FC:1401 330.00 DA

Respectfully submitted,

David R. Marsh (Reg. Atty. No. 41,408)  
Holly Logue Prutz (Reg. Atty. No. 47,755)  
Thomas E. Holsten (Reg. Agent No. 46,098)

Date: March 31, 2004

ARNOLD & PORTER LLP  
555 Twelfth Street, N.W.  
Washington, D.C. 20004-1206  
202.942.5000 telephone  
202.942.5999 facsimile

Trage 1638 AF/44

ARNOLD & PORTER LLP

202.942.5000  
202.942.5999 Fax  
555 Twelfth Street, NW  
Washington, DC 20004-1206



March 31, 2004

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Art Unit: 1638  
Examiner: P.T. Bui  
Conf. No.: 1056

Re: U.S. Patent Application Serial No. 09/938,294 filed August 24, 2001  
Inventors: Gregory J. HINKLE *et al.*  
Title: Novel Plant Transcribed Regions and Uses Thereof  
Atty. Docket: 16517.253

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

Authorization is hereby given to charge the statutory fee of \$330.00 for filing a Notice of Appeal to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.253. A duplicate copy of this letter is enclosed.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.253. A duplicate copy of this letter is enclosed.

Sincerely,

David R. Marsh (Reg. No. 41,408)  
Holly Logue Prutz (Reg. No. 47,755)

Enclosures